

But abandoning the principle of majority rule on final passage of a bill is not something the House should do lightly—or rest on a questionable precedent. If the three-fifths rule is intended as a safeguard against rash tax-raising by this incoming Congress, it seems unnecessary. Republicans will have a 25-seat majority in January and they have promised tax cuts, not increases. The president has joined them and so has the leader of House Democrats, Rep. Richard Gephardt (Mo.). So where is the threat?

Fiddling with the rules always arouses suspicion. Two years ago, when the majority Democrats changed the rules to allow the delegates from the District of Columbia, American Samoa, Guam and the Virgin Islands and the resident commissioner from Puerto Rico (all Democrats) to vote on the House floor on everything but final passage of bills, I said they were tampering with the game. Such criticism forced the Democrats to agree that there would be another vote—without the five delegates—on any issue where their votes decided the outcome. The federal courts upheld that version of their rule, saying that the change the Democrats had made was merely “symbolic” and essentially “meaningless.”

That cannot be said of the proposed three-fifths rule. It is consequential—and unprincipled. The Republicans themselves juggled the wording to create loopholes for shifting other tax rates by simple majority.

The precedent they will set is one they will come to regret. If this Congress puts a rules roadblock around changes in income rates, nothing will prevent future Congresses with different majorities from erecting similar barriers to protect labor laws, civil rights laws, environmental laws—or whatever else the party in power wants to put off-limits for political purposes.

There is something fundamentally disquieting and even dishonorable about the majority of the moment rewriting the rules to allow a minority to control the House's decisionmaking. You can easily imagine future campaigns in which politicians will promise that if they gain power, they will abolish majority rule on this issue or that—a whole new venue for pandering to constituencies that can be mobilized around a single issue.

This is a dangerous game the Republicans are beginning. And it raises questions about their values. Let them answer this question: Why should it be harder for Congress to raise taxes than declare war? Does this proud new Republican majority wish to say on its first day in office: We value money more than lives?

Mr. PELL. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. By a previous order of the Senate, the Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DR. HENRY FOSTER, SURGEON GENERAL NOMINEE

Mrs. MURRAY. Mr. President, Dr. Henry Foster has been nominated by President Clinton to be the U.S. Surgeon General. I rise today to express my support for Dr. Foster, and to urge my colleagues to give him a full and fair hearing.

Yesterday, I had the pleasure of meeting with Dr. Foster, and I am very impressed.

Dr. Foster is a physician with vast experience who has dedicated his life to maternal and child health. He is a man who speaks from the heart, a person who cares deeply about the health of families across this Nation.

Dr. Foster is one of the country's leading experts on preventing teen pregnancy and drug abuse, as well as reducing infant mortality. He is a public health professional with vision.

I urge my colleagues to meet with Dr. Foster, to talk with him, to ask him tough questions. I have. I believe they too will be very impressed.

Dr. Foster has tested his ideas about public health interventions that can greatly benefit this Nation. He wants to continue his career-long focus on maternal and child health, on adolescents, and the on prevention of teen pregnancy. He wants to fight AIDS, and combat the epidemic of violence that has taken hold across our Nation.

I also want to stress the importance and relevance of Dr. Foster's practice area. For far too long, women's health concerns have been neglected by this Nation. I am heartened that our next Surgeon General can be a physician who has dedicated his life to women's health—an obstetrician/gynecologist.

Women's health is critical to every family—every man, woman, and child—in this Nation. As a woman, and a mother with a son and daughter, I find the selection of Dr. Foster reassuring. I urge my colleagues to stop and think about the importance of women's health to families everywhere.

I look forward to working with my colleagues on the Labor Committee as they prepare hearings for Dr. Foster. I believe when my colleagues and the American public get to know Dr. Foster, they will be as excited as I am to have him as our Nation's next Surgeon General. You, too, will recognize his honesty, his passion, and his commitment to children and families.

I thank you and yield back the remainder of my time.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. HATCH. Mr. President, we are now in our 14th day of debate. I was very interested in the chart of the distinguished Senator from New Hampshire, “Statutes Don't Work.”

I hear people on the other side constantly saying we ought to just do it; we ought to just balance the budget; we ought to have the guts to do it. Almost invariably they are the people who are the biggest spenders around here. Almost invariably.

It is the biggest joke on Earth, after 26 straight years of not balancing the budget, to have these people tell us, we just have to do it ourselves. That is the biggest joke around here to everybody

who knows anything about budgetary policy in the Federal Government.

Do not think the people are stupid out there. They know what is going on. They know doggone well that if we do not have this balanced budget amendment, we will never get fiscal control of this country, we will never make priority choices among competing programs, and we will just keep spending and taxing like never before.

I have heard Senators on the other side of this issue, and some who even support us, beat their breast on how they voted for that large tax increase last year, and that deficit spending thing they did. Anytime you increase taxes, if you can hold on to spending at all, you are going to bring down the budget deficit. The problem is that at best, their approach starts up dramatically in 1996 and really dramatically at the turn of the century to a \$400 billion annual deficit.

These people are always saying we just have to do it. They are the same people who say we could do it with the Budget and Accounting Act of 1921, the Revenue Act of 1964, the Revenue Act of 1968, Humphrey-Hawkins in 1978, the Byrd amendment in 1978. I was here for most of those. From 1978 on, I was certainly here, and I have to tell you, I voted for that Byrd amendment and I was really thrilled. Here is the U.S. Senate, this august body of people who mean so much to this country, voting to say that in 1980, we are going to balance this budget.

Back then, we probably could have if we had really gotten serious about it. But it was almost the next bill that came up that a 51 percent majority vote changed that. The distinguished Senator from New Hampshire really makes a great point here.

The debt limit increase, why, I was here for that, too. We promised, “Boy, we're going to balance the budget.”

The Bretton Woods agreement; again, Byrd II; recodification of title 31; Byrd III; Gramm-Rudman-Hollings, I remember what a fight that was to get that through. My gosh, at last we are going to do something for this country; we are going to get spending under control; we are going to help our country. It helped a little bit, darn little.

We had to go to Gramm-Rudman-Hollings II, II because the little it did help was just too much for these people around here, just too much for these budget balancers who say we simply ought to do it.

Let me tell you, I am tired of saying we simply ought to do it. I heard it from the White House. What do we get from the White House? A budget for the next 5 years that will put us over \$6 trillion; that the annual deficits for the next 12 years are \$190 billion a year plus.

Now tell me they mean business. No way in this world. This game is up. Those who vote for this are people who are serious about doing something for our country, about getting spending and taxing policies under control. I

said spending and taxing. We are not just worried about spending, we are worried about these people who think the last answer to everything is to tax the American people more. And anybody who thinks that last tax policy was just the upper 2 percent, they just have not looked at what they have done. They even taxed Social Security.

People just do not realize because sometimes the big lie is told around here so much that people cannot figure out what is going on. That is why baseball is the No. 1 issue in this country right now. I happen to know. I happen to be in the middle of that one, too. But I have to tell you, as important as baseball is, it is not a fly, a flea on the backside of an elephant compared to what this problem is.

When we went to Gramm-Rudman-Hollings II, that did not work, either. It was a simple statute that we just amended and amended.

We have done some things here. There are some heroes here to me on both sides of the floor who are trying to do their best. I do not mean to find any fault with any individual Senator. We all have our problems. But, by gosh, the point I am making is, we are not going to do it unless we have a fiscal mechanism in the Constitution that requires us to at least make priority choices among competing programs before we spend this country into bankruptcy. That is what this amendment will do. This chart is a beautiful illustration of why statutes do not work. They may work for a short period of time, but sooner or later we are going to spend us just blind again.

In fact, there are those who worry even if we put the balanced budget into the Constitution, there will be some in this body and certainly some in the other who will try to find every excuse they can to get around it.

That is fine. But they are going to have a rough time because a lot of us are going to be here to make sure that there are no ways of getting around it; that we have to face the problems of this country. And right now I have to say we are not facing them. As much as people feel they are, we are not. We are with \$200 billion deficits ad infinitum, well into the next century, and we are selling our kids into bankruptcy. It just makes me sick.

Elaine and I have six children and 15 grandchildren—the 15th is on its way, but I count that child as if it has been born. It is only a month or so away—15 grandchildren. The fact of the matter is every one of those kids is going to be saddled with irresponsible debt because we keep fiddling while Rome is burning. Our balanced budget tracker poster sure shows that. We are now up to \$15 billion in increased debt just in the 18 days we have been on this amendment—18 days.

We have runaway spending in this country. We have a destructive welfare system that is tearing the fabric of our country apart, our families apart, that encourages immorality and promis-

cuity and children born out of wedlock to the point where today in this country in some cities there are more children born out of wedlock than there are in. As a matter of fact, in some cities in this country there are more kids aborted than there are kids that are born. And you wonder why we are losing our moral fiber? You wonder why this country has problems?

We have a Tax Code that does not work. Everybody knows it. We all feel picked on. Most people in this country hate the IRS. Those are loyal, dedicated public servants just trying to enforce what is a ridiculous set of incomprehensible, massive laws. We can make it simpler. We could put a lot of the tax lawyers out of business and a lot of the tax accountants out of business and get more revenues in the process because people would feel more like paying them because they would be treated fairly.

However, we will not do it because we do not have a fiscal mechanism in the Constitution that requires us to do it, or at least point us in the right direction.

This Washington bureaucracy has grown every year. I get a kick out of some saying how much they are going to cut it back. It just goes on and on at tremendous cost, to the point where welfare in this country, by the time we get our tax dollars set aside for welfare to the people who need them, you have 28 percent of the dollar left, 28 cents on a dollar because it is eaten up right here in the bureaucracy because we will not do anything about it. We have these people standing around saying we will do it; we have the guts to do it. And invariably they are the very same people who are against this amendment. They do not want to do it.

Oh, I should not be so harsh. There are some who really do want to do it, but they just do not have the capacity to do it, and I think we all know who they are. We have to get Washington put together. We have to restore the American dream and give our kids a chance. We have to give our grandchildren a chance.

If there is any big, bloated, amorphous mass I would like to put on a diet, it would be this Federal budget, and I think we would all be better off. We would have more money with which we would be able to do more things. We could expand businesses, have more jobs, actually have more revenues if we just got incentives restored again.

I said early in the debate that the Federal Government could really stand being anorexic for a while. It would probably do this country good. We could cut the fat, cut the waste, get rid of a lot of things that really do not work, and reform and improve those things that do.

Now, if people do not think I know what I am talking about, when I became chairman of the Labor Committee back in 1981, the youngest committee chairman in the history of a major committee, my ranking member

was none other than Ted KENNEDY, the distinguished Senator from Massachusetts, with six other very liberal Senators. So there were seven liberals on the Democrat side. We had seven conservatives on my side, plus two liberal Republicans whose hearts, in many ways, were with the liberal Democrats on the committee.

But we were challenged to cut back on the most liberal committee in the Senate's jurisdiction, the most liberal committee in the Senate. We were challenged to cut back on spending. We went to work. We block granted in part six of the seven block grants. We worked to refine and reform the thousands of programs that they had in that committee. We cut that committee's multibillions of dollars of budgetary jurisdiction by 25 percent in real terms over the 6 years I was chairman, with all of those liberals on the committee. And I have to give Senator KENNEDY and others a lot of credit for helping us to do it. They were willing to work with us. They knew we had the majority and they were fair. But we cut that jurisdiction 25 percent in real terms over those 6 years. And if every other committee in the Congress had done that, we would have had a \$150 billion surplus by the end of those 6 years.

So I know what I am talking about. It can be done. And do you know what else? Even though we cut the jurisdiction 25 percent in real terms, because we went to work and reformed the system, reformed those thousands of programs, we actually got more money to more people in better ways than ever before. You cannot tell me we could not do with a good haircut of the Federal Government today in all of these programs.

Almost all of them are well intentioned, almost all of them are well meaning. The fact of the matter is that we are unwilling to do what needs to be done, and the reason we are is not because we are awful people or we are not good people or that it is just Democrats or just Republicans. It is both of us. Frankly, it is because we do not have a fiscal mechanism that encourages us to do it.

Now, this balanced budget amendment is that fiscal mechanism. It is not perfect. I have said it is not. There is nothing that is perfect in the eyes of all 535 Members of Congress. There is no way you can do that. But it is as perfect as we can get—worked on for a decade or more, about 14 years, by Democrats and Republicans. I know; I have been right in the middle of those negotiations every step of the way. And nobody in particular should be able to take complete credit for it or blame for it.

Mr. President, I have to tell you something. It is the hope of millions out there in America, a high percentage of people who may be with the balanced budget amendment and we can get this mess under control.

I just hope with everything I have that we can get those 15 Democrats

that we need to vote with us—15 out of 47. That is all we need. Go ahead, 32 of you vote against it, but 15 of you we need to pass this balanced budget amendment. That is all; 52 out of 53 Republicans are going to vote for this. That is really something. I think we will get those 15, and we may even get more. I am going to do everything in my power to see that we do so that we have to face the music, so that we have to face reality, so that we have to understand more than ever before it is time to quit selling the future of our children and our grandchildren down the drain. I want them to have at least close to the opportunities that our generation had when we were coming up and not born in poverty. I just want them to have the same chance.

I notice the distinguished Senator from New Mexico is here. I did not mean to take so much time. I will be happy to yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I spoke yesterday about my concerns regarding the context in which we find ourselves debating the constitutional amendment to balance the budget this year. I would like to take a few minutes of the Senate's time to elaborate on those concerns and to announce how I will vote when this matter comes to a vote, finally, next week.

Mr. President, during the time I have served here in the Senate, from January 1983 until the present, one of the great shortcomings in our national policy has been our failure to pursue sound fiscal policy. During the 1980's and continuing now into the 1990's the Federal Government, each year, has operated substantially in deficit.

During the last 12 years there have been several serious efforts to deal with that problem and I have supported each of those. The deficit reduction efforts in 1987, 1989, 1990, and 1993 have all had my support. Those were deficit reduction efforts under President Reagan and President Bush, and now under President Clinton.

If another serious deficit reduction effort occurs, as I hope it will during this term of my service in the Senate, I expect to support that as well. I share the goal of most Americans to reach a balanced budget at the earliest possible date.

But the question we have to answer is: Will the passage of this amendment in the context it is presented today advance our prospects for achieving sound and fair fiscal policy, or retard those prospects?

As I stated yesterday, the amendment comes to us in a very politicized environment where many of its proponents clearly see the amendment as a way to advance their political agenda of less taxation for certain taxpayers.

In the much discussed Contract With America the Republican leadership in the House of Representatives promised to pass the balanced budget amend-

ment with a three-fifths supermajority requirement for any tax increase. That supermajority requirement was not in fact included in the amendment sent to the Senate by the House in the form of House Joint Resolution 1. However, those who put the Contract With America together have not abandoned their commitment.

There are troubling indications that the effort still goes forward not only to reach a balanced budget, which we all support, but to reach it in a particular way, and to reach it in a way that shields certain Americans from sharing equitably in that pain.

I discussed at length yesterday the House rule adopted before the balanced budget amendment was sent to the Senate—which requires three-fifths supermajority vote to raise income tax rates and income tax rates alone.

Under the House rule other taxes can still be raised by a simple majority—taxes that impact many of the people I represent most heavily—the working families of my State.

The gas tax, for example, the social security tax, various excise taxes. In order for a bill to become law it must pass in both houses.

This House rule gives the minority in the House a veto over efforts by either house to use the income tax our most progressive tax to raise revenues for deficit reduction.

This rule undermines genuine efforts at deficit reduction. The purpose of this rule is clearly to protect individuals and corporations in the upper tax brackets and to regain any increases in revenue to occur by increases in regressive taxes that affect middle income families most directly.

I proposed yesterday to amend the proposed constitutional amendment to correct this problem—but unfortunately my amendment was defeated.

So with that defeat, we are faced with a proposed constitutional amendment being presented while the House has in place a rule which makes it clear that middle-income families will likely see their taxes raised to balance the budget—but unlike that wealthy individuals and corporations will share in that sacrifice to the same extent.

A second troubling indication that the balanced budget amendment is seen by its proponents as a device to pursue a political agenda to advantage certain groups in our society—is the commitment of the Republican leadership in the House to bring the proposed constitutional provision four three-fifths supermajority requirement for tax increases to the House floor for a vote prior to April 15 of next year.

And in fact yesterday there was a colloquy here on the Senate floor where the Senator from Utah agreed to proceed here in the Senate with hearings on a constitutional amendment imposing that same supermajority requirement for tax increases.

So the context in which we are considering this amendment has changed from what it was in previous Con-

gresses. We now are not just talking about how to balance the budget, we are now talking about writing into the constitution, provisions which will determine whose ox will be gored as we proceed to balance the budget. In this context and with these ground rules in place the people whose ox will be gored are the working people—those who pay the most gas taxes, the social security taxes, and those who pay excise taxes.

What are the consequences that would flow from the balanced budget amendment in this new environment with this new change in the House rules.

I believe we can predict 3 consequences from proceeding with the amendment given percent groundworks.

First, with a three-fifths supermajority requirement in place to raise income taxes it will be much more difficult for us to reach the goal of a balanced budget by 2002. As I stated yesterday, almost all the experts who have looked at the issue seriously agree that a balanced budget will only be reached as other deficit reduction efforts have been achieved, with a combination of spending cuts and revenue increases. And with this provision in place those revenue increases will come from regressive taxes, rather than from the only progressive tax we have, the income tax.

Second, if we do take steps to reach a balanced budget, with that supermajority for income tax increases in place, most of the burden of deficit reduction will fall on working families who can least afford to carry that additional burden.

And the third consequence is that States like my home State of New Mexico with relatively low per capita income will be those most badly hurt.

At this very time our State legislature in Santa Fe is struggling with the question of a gasoline tax. A balanced budget amendment adopted, with the House Rule in effect protecting incomes taxes from change, almost certainly insures that we in Washington will be adding substantially to the gas tax as one of the only available sources of revenue. The same can be said of Social Security taxes and other regressive taxes.

Mr. President, if I represented a wealthy State with many high income taxpayers, I could see an argument for why I should vote for the amendment—in spite of the House rule. But my State is not wealthy and we have very few taxpayers who will be treated fairly under this new set of ground rules.

#### CONCLUSION

Mr. President when the final vote is called on the balanced budget amendment next week I will vote "no."

I will do so because I believe we should leave the question of how to achieve sound fiscal policy to a vote of a majority here in Congress at any particular time. We should not try, by rule or other provision, to determine how future Congresses choose to reduce the

deficit: We should not dictate whether they cut spending or raise taxes. We should not try to predetermine for future Congresses which group of taxpayers will pay the taxes and which group will suffer the spending cuts.

The Framers of the Constitution were wise to limit the use of the supermajority requirement in the Constitution. They chose to leave the Constitution neutral as to how we accomplish sound fiscal policy at any particular time in our history. We are well advised to defer to their good judgment on that subject, to cease our efforts to solve this problem by changing the Constitution, and, instead, to solve it as all previous generations have, by demonstrating the political courage to make unpopular decisions about spending cuts and taxes.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his quorum call request?

Mr. BINGAMAN. I withhold.

Mr. DORGAN. Mr. President, I understand the Senate is near the completion of its business today. I will not take a great length of time, I was intending to offer today an amendment but I was intending to offer an amendment today and now obviously I intend to offer an amendment when we reconvene, whenever that might be, on this constitutional amendment to balance the budget.

I spoke the other day on the floor of my concern about the process by which we are selecting a new Director of the Congressional Budget Office. I made it clear when I spoke that it is not my intent to tarnish the image of the person who apparently has been advanced as the one to be selected. I do not know the person. I do not have a judgment about the person's qualifications because I have not met with that person. But I certainly have a judgment about the way this process has worked and I am concerned about it, and sufficiently concerned that I want the Congress to be able to evaluate this appointment in a more considered way.

This is not just the usual appointment. It is not just a run-of-the-mill appointment. The head of the Congressional Budget Office, in effect, becomes the referee on a wide range of budget questions and on a wide range of scoring issues. As all of us know, how a proposal is scored can have an enormous impact on whether or not that proposal meets with favor or disfavor in the U.S. Senate. For example, one might say, "I have a certain budget proposal that recommends certain things." And CBO says, "Well, we would score that in a dynamic way, or a static way." You would reach very different results perhaps. So you develop scoring rules, and how you select the people to perform these duties is very, very important.

I can remember in 1981, the first year I served in the Congress, in which we

had some very dynamic scoring by the Office of Management and Budget. David Stockman, a fresh, new face, was selected to head the Office of Management and Budget. They came up with a strategy that said, "Well, if we do the following things, we will produce enormous new revenue, and we will balance the budget by 1984." He subsequently wrote a book after he left the Government that said none of that was realistic and it was a horrible mistake. I have sometimes used quotes from his book because he gave an interesting insight into what the mindset was when they were using these dynamic scoring approaches to come up with these results. It seemed wildly unrealistic at the time anyway. But, nonetheless, dynamic scoring was used to justify a new fiscal policy.

The point is we have been through periods where people have developed new scoring approaches, new devices, that have been unrealistic and have caused this country great problems and left us with significant debt and deficits. Especially given this constitutional amendment to balance the budget and the vigorous battles that will occur, I am sure, over budget resolutions that come before the Senate, our referee, the Congressional Budget Office, must be led by someone who commands universal respect, someone whose methods do not lead to questions about judgment.

Again, I do not know the circumstances of the person who has apparently been tapped to be the new Director of the CBO. So I do not know whether that person meets this test. But I do know this: We have had people who have led the Congressional Budget Office—Alice Rivlin, Rudy Penner, Bob Reischauer—all of whom, Members of the Senate would almost universally say, are people at the top of their field whose impartiality allows them to call them as they see them. These previous Directors have, I think, received nearly universal respect and support.

The selection of these three Directors was generally a process in which the two parties together make a judgment. In fact, I am told—I will not recite the chapter and verse on this, I will do that later—that previously the minority had difficulty with several candidates, and really, said, "Well, this is not acceptable to us." And that just meant that candidate did not go forward. That was the way it was because there was a need to develop a consensus on a candidate.

I am told that this process on this candidate resulted in an announcement in the House of Representatives, of who the appointee would be, prior to the ranking minority member in the House Budget Committee ever meeting the person. That is not a process, it seems to me, that is consultative. That is not a process in which both sides have come together to jointly figure out who has the stature and the ability and the authority to do this job.

So I am concerned about the process. I do not think this is the right process.

I really think with the Director of the Congressional Budget Office, there ought to be a resolution of approval by both the House and the Senate. I know that is not the current circumstance. But I intend to offer an amendment that would require that. I hope very much that at this juncture the majority would not appoint a Director at this point until I have had an opportunity to offer the resolution. I probably will offer it and discuss it on this amendment, although it would be better to offer it to the very next bill that comes to the floor of the Senate after the balanced budget amendment.

But I, as others, am concerned and want to speak on it. I want to make a case about the process. My case is not a case that says this person is the wrong person. I do not know. But I know that whoever heads CBO is going to have an impact on my legislative life and an impact on the legislative life of everyone in this body and in the House. And I would like very much for the selection of the new head of the CBO to be a selection that represents a consensus between the majority and the minority; a consensus on two points:

First, that this person is someone of great quality, who is at the top of the field and has the credentials to command respect;

And, second, that this person is someone who will provide an impartial analysis of the type that we have been used to.

I must admit that I, like probably the Senator in the chair, have from time to time had to hold my brow as I received something from CBO. I have said, "Lord, I do not agree with that. That is not the answer I was looking for." But I respect Mr. Reischauer. I respect Mr. Penner. I respect Alice Rivlin. I do not know the current candidate. And I am not making judgments here. But I am making judgments about the process. This process is wrong. It is a flawed process when we have circumstances where the appointment is announced prior to the minority ranking member even being able to discuss particulars with the candidate.

I am not going to talk about the process on the Senate side. But I do know that the minority on the Senate side of the Budget Committee sent a letter saying we think we should look further for other candidates. So they obviously were making some kind of a judgment. I think that we ought not proceed until we have responded to this as a body. I hope very much that prior to my offering the amendment when we return, that the majority will not proceed to make this appointment.

Again, let me emphasize for the third time as I take the floor that I do not intend to make a judgment about this candidate at this point. I may at some point. But I do not know enough to make a judgment. I know what I have read in the papers. I have been in politics long enough to understand that that is not enough. I want to understand the facts. I want to understand

the circumstances and the quality of this candidate. But I also want to understand that when we finish this process the selection of this very important person will be a selection by consensus among the majority and minority of the House and the Senate. I do not think that is the case today.

So, I had intended to offer this amendment today and because other amendments took most of the day, this will be put over until next week, or whenever we return—I guess the first legislative day when we return. But I wanted to take the floor at this moment to alert my colleagues that I intend to do this, and to urge the majority not to proceed until we have had a chance to express ourselves on this issue.

Mr. President, I appreciate the Senate's indulgence.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would like to talk as we end this third week of debate on the balanced budget amendment about the importance of this vote and what it really means to America.

I have listened for the last 3 weeks to the debate, and I want to say that I think we are in a filibuster. I think there can be no doubt of it. Our leader has been patient. Senator DOLE wanted everyone to have an opportunity to have his or her say to talk about the issue, because it is a major issue. It is probably the most important vote I will ever make in my career.

I think the leader has given ample time for every person to talk about views, to differ on views, and to put in amendments. I think Senator HATCH and Senator CRAIG, who are the distinguished managers of this joint resolution, have been very patient. But this is a filibuster, and there is a fundamental difference about whether we should move forward with the mandate that we have to change the things we have been doing in Washington, or whether we are in fact doing what we have been doing year after year after year in this Congress—that is, spending beyond our means. That is what has been happening.

We are at the end of the third week of debate. All of us who support the balanced budget amendment thought we would be finished, thought we would leave town for a 3-day recess knowing that we had done the most important thing we could do for the future of our children and grandchildren. But we are not there yet. We are not there because there is a fundamental difference and because many who disagree with the balanced budget amendment have decided to delay it through filibuster.

I support the right of everyone to delay. That is part of the Senate rules. But I think it is time to call it what it is. I think it is time that people realize this is a delaying tactic, that we are no

longer into substantive differences—and reasonable people can differ—we are into trying to delay what clearly the majority of this body wants to do, and that is to say that we are going to amend this Constitution and say to future generations: You are not going to have to pay our bills.

Every baby that is born into this country has an \$18,000 debt to pay. That is what we have racked up with our over \$4 trillion of debt. Some people say, "Let us do it by statutes. We can pass laws, we can act responsibly." And, of course, we point out that over the last 30-plus years we, in fact, have not been able to do that. So if you put the practical experience in the mix, it is clear that we are not going to do it by statute.

But let us talk about what is the role of the Constitution of our country. The Constitution of our country should not be something that we can do by statute. It should be the framework of our Government. It should be what we think the parameters of our Government should be, not for the 104th Congress, but for all the Congresses in the future—something that is so well settled in our policies that it should not be subject to change. That is what we are debating, whether we will amend our Constitution with a fundamental policy decision that should not be changed by future generations.

Mr. President, that is what a balanced budget amendment is, and it does meet the test. It should be a fundamental policy of this country that we will not spend money we do not have, unless we are in a crisis, in a war, and that is the exception—the one exception—that all of us would agree to. Other than that, we are not going to spend money we do not have for programs that we would like, for programs that are good programs, but programs we do not have the money to pay for.

It comes down to the fundamentals that every State, every city, every business, and every household in America understands, and that is: I would like to take my family to dinner tonight, but maybe I do not have the money to do it and I have to make that decision based on whether I have the discretionary money to do it. I would like to send my child to college. Do I have the funds to do it? I would like to have many things that, perhaps, I cannot afford and therefore I do not acquire. That is a fundamental decision that every American makes every day. The only American institution that really does not is the United States Government. That is a fundamental policy that we must put in place that should not change with the wind or the times—that is, that my priorities are more important than the priorities of future Congresses.

I think it is very important, as we leave today for this recess, that the people of America understand that this is a filibuster. The people who are doing it have the perfect right to do it, but they are delaying this vote; they

are delaying what I think the people of America want, what they have said repeatedly they want, and that is for us to start the very tough process of balancing our budget over the next 7 years, so that by the year 2002, if we start right now, we will be able to then begin the adventure of being able to pay back the \$4 trillion debt, so that we will not be in that continuing deficit position.

In fact, I think that if we do not act on this in the next week when we get back, it is not that it will pass in time and we will not pass it ever again. I disagree with people that say this is our only chance. I think if we do not pass it this time, we will have a bigger mandate in 1996 and we will pass it. The difference will be, Mr. President, that we will have two more years of accumulating debt, and we have seen the charts for the last week showing every day that we have been debating and talking and talking in the Senate debating society, the debt has gone up because we have not begun to turn that ship on a different course.

So if we do not do it this year, we will do it 2 years from now, 3 years from now, because we will have the mandate. But we will have missed 2 years of opportunity to begin this process of responsibility for our future generations. That is what we will miss if we fail to do so.

So as we leave these hallowed halls, I hope all of us will think carefully about the monumental decision that we will make next week to stop this filibuster, to stop the delays, to stop the nuance differences and say that we are going to take this first step of amending the greatest Constitution that has ever been written in any society in all of civilization; that we are going to amend it with a fundamental policy decision of responsible spending, to protect our future generations from our decisions, which may not be theirs.

So it is a great opportunity for us, and I hope all of us will go home and come back next week ready to make the decision that is ours to make, to change the course of this country and begin the process of responsible governing.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I be allowed to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OIL RELIANCE THREATENS NATIONAL SECURITY

Mr. BREAUX. Mr. President, and my colleagues, I would think that if any government is presented with evidence that their country is under a national security threat that they would institute immediately a full-scale investigation to determine what the threat

is and what action is needed to prevent that threat from becoming an all-out emergency, or a conflict that we could not ultimately solve. That is the purpose of government. Ultimately to protect the security of the citizens of our country.

Therefore, when I read a release that I received today from the U.S. Department of Commerce which clearly states that they have made a finding that growing U.S. reliance on oil imports threatens the national security of the United States by making it vulnerable to interruptions in foreign oil supplies, I would immediately gather all of my advisers around me and say, "All right, what are we going to do about this?"

I am deeply disturbed that as I read the release and talk to people who know about this problem and find that, essentially, nothing is being done. I think we as a nation are making a terrible mistake.

Let me try and point out what I think the problem is in a very clear fashion. If we in this Nation were suddenly told that we are now importing 50 percent of all of the food that we consume in this country, and much of it from nations that are very undependable as far as being allies of the United States, I would predict that the next day there would be lines of people surrounding the White House and surrounding this Capitol saying, "My goodness, this is a terrible threat that we are now having to import half of the food that we consume from countries that are not dependable as allies of the United States."

Yet this is exactly what is happening when it comes to energy security. I will tell Members how this came about, Mr. President. That is, that the Department of Commerce, under existing rules and regulations, were responding to a petition that was filed by the Independent Petroleum Association of America that was filed on March 11, 1994, alleging that "Increasing U.S. dependence on foreign oil threatened the national security of the United States."

They pointed out in their request that imports of crude oil products were estimated through 1994 to average 8.8 million barrels of foreign oil coming into the United States every day. This represents a 200,000-barrel-a-day increase compared to 8.6 million barrels a day in 1993.

The estimated import ratio has now, for the first time ever, broken the "peril point level" of 50 percent of foreign imports coming into this country.

There is no dispute about that fact. The IPAA presented information. No one objected to that. The Commerce Department finds, after looking at all this information, clearly that U.S. reliance on oil imports now threatens national security by making us vulnerable to interruptions in foreign oil supplies.

The Commerce Department recommended, however, that the President not use his authority that he has

under section 232 of the Trade Expansion Act of 1962 to adjust these foreign oil imports through the imposition of tariffs, because the economic costs of such a move outweigh the potential benefits and because current administration energy policies will limit the growth of imports.

Mr. President, I disagree with that, and I disagree with it strongly. I think current administration energy policies in this administration, in the last administration and in the administration before that, in Republican administrations and in Democratic administrations, have clearly allowed us to get to the point where today we are importing half of the oil that we use in this country.

I guess it has been an easy thing for administrations to do because we have been getting cheap oil, but does anybody remember what happened in the early 1970's when we had lines of Americans sitting in their cars waiting to buy the precious gas that was left at the stations to run their cars and run this country? Because at that time, the Middle Eastern oil suppliers turned the faucets off just a little bit and literally brought this country to our knees, because at that time, we were importing about 30 percent of the oil we use.

Today, we are importing 50 percent, and just turning that faucet a little bit in 1995 will bring this country to our knees in a much more serious fashion than we were brought to our knees in 1973.

Unfortunately, it seems that all the administrations since then did not learn the lesson, and the lesson is very simple: That we should never be dependent on something that is important to our national security; we should never be dependent on other nations to supply it, particularly nations that are not necessarily our friends nor our allies, that we cannot trust to be reliable when we have a need for a product that they have, whether it be food, as I mentioned earlier, or whether it be energy to run our plants, our factories, to heat our homes, to cool our homes in the summer, to run our cars, to run our trucks, to keep up with the commerce demands of a great Nation.

Yet today, for all of those needs, we are now dependent on foreign nations for over half of those energy needs. And the thing that bothers me the most is that after recognizing that there is a national security threat—and these are not my words, these are the words of the Commerce Department when they made the findings—that the situation today presents a national security threat to the United States but we are not going to do anything in terms of setting a tariff to try and reduce the amount of imports coming in in order to encourage greater domestic exploration and production right here in this country.

I think that that is something that is not acceptable, because there are some things that we can do. I do not suggest that maybe oil import tariffs are the

only answer. I have advocated them for a number of years. But there are a lot of other things that they could have said we are going to recommend that needs to be done, other than just saying we are going to rely on current policy. Because, folks, it is clear that current policy has us in the predicament we are in. Current policy has allowed us to have imports increase up to the point where they now constitute 50 percent of all the energy we have in this country.

Imports increased this year from last year by 200,000 barrels a day more than the year before. That is under current policy. And to say that we are going to continue to stay with current policy, there is no trend line to suggest that is going to solve the problem. The trend line is that imports will continue to increase under current policy.

So I suggest to my friends in this administration that they take the Commerce Department's findings that there is a national security threat to make some recommendations on new things that should be done in order to prevent a national catastrophe from falling on this country.

I suggest that there are a number of things that I would have hoped that the administration would have been able to say we are recommending instead of maintaining the status quo.

First, they could have recommended that the administration will actively support what the industry calls geological and geophysical expensing, which simply says that oil and gas operators in this country would be able to expense the cost of exploring and producing a well, whether that well is a dry well, a dry hole, which they can do now, or whether it is a producing well. That would encourage a substantial increase in domestic production in this country to reduce that 50 percent number to what would be a more acceptable number.

I look over the recommendations and that is not there.

They could have, second, suggested that we move toward and support OPRA 90 reform. OPRA is the Oil Pollution Act that this Congress passed in 1990, but the way it is being implemented is not the way this Congress intended it to be implemented, and legislation is necessary to clarify what we meant. Here is the simple problem:

Congress never intended when we passed that Oil Pollution Control Act that onshore facilities would have to carry insurance of \$150 million per well. We were talking about major offshore activity that had the potential to pollute if a catastrophic event occurred. We never intended that any facility onshore that may be very, very small, with only very limited potential to cause any pollution, would also have to have \$150 million of liability insurance. But that is how our folks in the bureaucracy have interpreted it.

An amendment, a legislative fix for this problem would allow independent operators who produce oil onshore to